

Response Under 37 CFR 1.116

Expedited Procedure

Examining Group 3781

Application No. 10/525,914

Paper Dated: January 27, 2010

In Reply to USPTO Correspondence of October 28, 2009

Attorney Docket No. 0388-050243

REMARKS

Claims 14-22 and 27-29 are pending. All claims stand provisionally rejected for nonstatutory obviousness-type double patenting in view of co-pending application no. 10/588,593. Claim 17 stands rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. The title and Abstract have been objected to for certain informalities. Applicants respectfully traverse these rejections and objections.

In view of the above amendments and the following remarks, the Applicants respectfully request entry of the present Amendment and allowance of the claims.

I. Double Patenting Rejection:

The Examiner has provisionally rejected all pending claims for nonstatutory obviousness-type double patenting in view of co-pending application no. 10/588,593. Because application no. 10/588,593 has not yet been taken up for examination, any actual double patenting issues will not arise until the present application issues as a patent and allowable subject matter is found in application no. 10/588,593. Pursuant to MPEP § 804(I)(B), Applicants shall address any actual double patenting rejections in application no. 10/588,593 upon the finding of allowable subject matter therein.

II. Indefiniteness Rejection to Claim 17:

The Examiner has rejected claim 17 as being indefinite under 35 U.S.C. § 112, second paragraph. In particular, the Examiner has taken the position that the recitation of the core being “a synthetic resin having elasticity” in claim 17 is redundant because claim 14, from which claim 17 depends, recites “a core formed of an elastic material.” Applicants have herein amended claim 17 to recite:

The container stopper as defined in claim 14, wherein said core is
formed of a synthetic resin **having elasticity**.

Applicants respectfully submit that this amendment to claim 17 overcomes the indefiniteness rejection.

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III. Objections to the Specification:

The Examiner has objected to the title for not being sufficiently descriptive of the technical aspects of the invention. The title has been amended herein to be "Container Stopper with Synthetic Resin Skin". Applicants submit that the title is now sufficiently descriptive of the technical features of the invention, and respectfully requests that this objection be withdrawn.

The Examiner has objected to the Abstract for including a description of the method claims that were cancelled in response to the restriction requirement entered in the present application. Applicants have herein deleted the last sentence of the Abstract, and have done so without prejudice to the filing of a divisional application directed to the non-elected method claims. Applicants respectfully request that the objection to the abstract be withdrawn.

CONCLUSION

For the foregoing reasons, Applicants respectfully requests that the objections and rejections be withdrawn, and that the Examiner issue a formal Notice of Allowance for all of pending claims 14-22 and 27-29.

Respectfully submitted,

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